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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 859 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SHREE LAXMI INDUSTRIES

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 859 of 1999
MR RS DINKAR for Petitioner No. 1
(MR PB MAJMUDAR) for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

Date of decision: 23/11/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

In this matter vires of Section 87(m) of the Finance Act, 1998 was challenged by the petitioner. On 4.2.1999 Division Bench of this court (Coram : C.K.Thakkar [Acting Chief Justice] {as he then was} and M.C.Patel, J.) admitted this petition by issuing rule making it returnable on 15.3.1999. Notice of rule was also ordered to be issued to the learned Attorney General of India. On the statement made at the Bar on behalf of the petitioner that the petitioner had already submitted declaration under Section 88 of the Kar Vivad Samadhan Scheme on 30.1.1999 the respondents were restrained from processing declaration till further orders.

We find a common order dated 28.1.1999 passed by the same Division Bench of this court in Special Civil Application Nos.550, 553 and 557 of 1999 passing similar orders.

However, this petition i.e. Special Civil Application No.859/99 is listed on the Board and other matters are not placed on Board. Be that as it may be.

Today Mr.Dinkar, learned counsel for the petitioner of this petition i.e. Special Civil Application No.859/99 sought permission to withdraw this petition as he has received written instruction from his client. Photostat copy of the letter dated 12.10.2004 is also produced on record by Mr.Dinkar.

In view of the above, permission is granted to withdraw this petition and accordingly it is dismissed as withdrawn. Interim relief granted earlier stands vacated forthwith. Rule is discharged. No order as to costs.

In view of the above, let the Office may place other Special Civil Application Nos.550, 553 and 557 of 1999 for orders on 25.11.2004, if they are still pending and not finally disposed of.

(B.J.Shethna, J.)

(Sharad D. Dave, J.)

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